IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

APPEAL FROM ORDER NO.933 OF 2005
FROM
ORDER PASSED ON 19.08.2005
BY
CITY CIVIL COURT
IN
NOTICE OF MOTION NO.2950 OF 2005
IN
B.C.C.LONG CAUSE SUIT NO.3314 OF 2005

Nazarali Shamsuddin & Sons .. Appellant

v/s.

The Municipal Corporatiion
of Greater Mumbai. .. Respondent

Ms.Sunita Poddar with Mr.S.H.Bohre for the appellant.

Mr.J.J.Xavier for the respondent.

CORAM : B.H.MARLAPALLE, J.

DATED : 10th October, 2005

P.C.

Heard.

2. The notice issued under section 351 of the M.M.C.Act is clear and the view taken by the learned Judge of the trial court in refusing the interlocutory protection is with cogent reasons. Therefore, no interference is called for in the impugned order. A.O.stands dismissed accordingly.

3. The learned counsel for the appellant states that the appellant will himself take steps to remove the notice structure.

4. Two weeks time is hereby granted to the appellant for the same, failing which the Corporation may proceed.

(B.H. MARLAPALLE, J.)